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2
3 UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 vs.

9 BOBBY BARFIELD,

10 Defendant.
11

Case No: CR 12-00495-5 SBA

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS
REGARDING SUPERVISED
RELEASE**

Dkt. 1306

12 Pursuant to the parties' stipulation and 18 U.S.C. § 3401(i), the Court referred this
13 matter to United States Magistrate Judge Kandis A. Westmore ("Magistrate") to conduct a
14 supervised release revocation and disposition hearing. Referral Order, Dkt. 1304. The
15 Magistrate conducted the hearing on July 12, 2017. Minute Order, Dkt. 1307.

16 At the hearing, Defendant admitted Charges One through Five of the Petition for
17 Arrest Warrant for Offender under Supervision filed January 3, 2017 ("Petition"). Based
18 on the undisputed factual allegations of the Petition and Defendant's admission, the
19 Magistrate found that the Government has shown by a preponderance of the evidence that
20 Defendant violated the conditions of supervision as alleged in Charges One through Five.

21 With the stipulation of the parties, the Magistrate found that: (1) the Grade of the
22 violation is C; (2) the Criminal History Category is V; and (3) the resulting Guideline
23 Range is 7 to 13 months. Consistent with the recommendation of the Probation Officer and
24 the parties, the Magistrate recommended that this Court revoke Defendant's supervised
25 release and sentence him to the custody of the Bureau of Prisons for a period of time served
26 (approximately 1 month), followed by supervised release for a period of 70 months with all
27 previously-imposed conditions of supervision, as well as the added condition that he reside
28 at a residential drug treatment facility for a period of up to 6 months.

1 On July 7, 2017, the Magistrate filed her Findings and Recommendations Regarding
2 Supervised Release, which memorializes the findings and recommendations summarized
3 above. Dkt. 1306. A party may file written objections to a magistrate judge's findings and
4 recommendations within 14 days after being served with a copy of the same. See 18 U.S.C.
5 § 636(b)(1). Upon being so advised by the Magistrate at the hearing, both parties waived
6 the right to file objections. In the absence of a timely objection, a district court "need only
7 satisfy itself that there is no clear error on the face of the record in order to accept the
8 recommendation." Fed. R. Civ. P. 72(b), Advisory Committee Notes (1983); see also
9 United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). Having reviewed the
10 record and finding no clear error, the Court hereby **ADOPTS** the Magistrate's Findings and
11 Recommendations. Accordingly,

12 The Court finds that Defendant, Bobby Barfield, violated the conditions of his
13 supervised release as alleged in Charges One through Five of the Petition. **IT IS HEREBY**
14 **ORDERED THAT** the term of supervised release be **REVOKED**, and Defendant be
15 sentenced to the custody of the Bureau of Prisons for a period of time served. Upon his
16 release from custody, Defendant shall be placed on supervised release for a period of 70
17 months. While on supervised release, Defendant shall not commit another Federal, State,
18 or local crime, shall comply with the standard conditions that have been adopted by this
19 court, shall refrain from any unlawful use of a controlled substance and submit to a drug
20 test within 15 days of release on supervised release and two periodic drug tests thereafter,
21 and shall comply with all previously imposed conditions, which are incorporated into this
22 order by reference. Additionally, Defendant shall comply with the new condition that he
23 reside at a residential drug treatment facility for a period of up to 6 months.

24 IT IS SO ORDERED.

25 Dated: 7/12/17


SAUNDRA BROWN ARMSTRONG
Senior United States District Judge